

PCH1062USNP

S/N: 10/068,633  
Filed: February 2, 2002  
Docket No.: PCH1062USNP (PC032659)

#### REMARKS

Claims 1, 3, 5, 8, 9, 12 and 25 are pending.

Claims 1, 3, 5, 8-9, 12 and 25 are rejected.

Claim 1 has been amended.

Claims 8 and 9 are cancelled.

#### Rejection under 35 USC §112

The Office Action rejects claims 8-9 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as invention.

Claims 8 and 9 have been cancelled. Accordingly, the rejection is moot.

#### Claim Objection

Claim 1 is objected to because of the following informalities: in lines 2-3, there is inadvertent typographical error was found. The phrase "from 1 to carbon atoms" has missing the numerical value "4" between "to" and "carbon atoms".

Claim 1 has been amended as suggested.

#### Claim Rejection - 35 USC § 102/103

Claims 1, 3, 5, 9, 12 and 25 are rejected under 35 USC 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over Samour et al. (US 5,976,566).

Claims 1, 3, 5, 9, 12 and 25 are rejected under 35 USC 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over McKenzie et al. (US 5,747,021).

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Claims 1, 3, 5, 9, 12 and 25 are rejected under 35 USC 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over Blackman et al. (US 5,013,545) or (US 5,098,717), individually.

Claims 1, 3, 5, 9, 12 and 25 are rejected under 35 USC 102(b) as being anticipated by, or alternatively, under U.S.C. 103(a) as being unpatentable over Ensminger et al. (US 4,143,141).

Claim Rejections – 35 USC § 103

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samour (US '566); McKenzie (US '021); Blackman et al (US 5,013,545) or (US 5,098,717); Ensminger et al (US 4,143,141), individually in view of BF Goodrich Tech. Disclosure ("neutralizing carbolpol...", 1998).

Applicants respectfully traverse these rejections.

First, the Office Action bases all the rejections under Section 102 on the notion that the cited references teach compositions with the same ingredients and therefore the claimed properties are inherent in the cited compositions.

Applicants respectfully disagree. At best one of ordinary skill in the art, when looking at these references, would be faced with a variety of ingredients that could be combined in literally countless ways. None of the cited references teach the specific claimed ingredients to achieve the specific claimed properties.

In fact, the art teaches that a hydroalcohol gel thickend with a carbomer cannot be neutralized with the claimed neutralizing agents. See page 2, lines 4-18 of Applicants' specification. Yet, Applicants have discovered a composition that is useful as an antibacterial agent using a thickener and a neutralizing agent in spite of the teaching away from doing so in the art.

Accordingly, Applicants respectfully request that the rejections be withdrawn.

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Conclusion

Therefore, in light of the amendments and remarks made herein, it is respectfully submitted that the rejections under 35 USC §§ 112, 102 and 103 have been overcome. Applicants respectfully submit that they have distinguished the cited art sufficiently to avoid the Examiner's rejection. Accordingly, consideration and allowance of Pending Claims 1, 3, 5, 12 and 25 is earnestly solicited.

Respectfully submitted,

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